

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE DIAL CORPORATION,  
HENKEL CONSUMER GOODS, INC.,  
KRAFT HEINZ FOODS COMPANY,  
H.J. HEINZ COMPANY, L.P.,  
FOSTER POULTRY FARMS,  
SMITHFIELD FOODS, INC.,  
HP HOOD LLC, and  
BEF FOODS, INC.,  
Individually and On Behalf of  
Similarly Situated Companies,

Plaintiffs,

v.

NEWS CORPORATION,  
NEWS AMERICA, INC.,  
NEWS AMERICA MARKETING FSI L.L.C.,  
and NEWS AMERICA MARKETING IN-  
STORE SERVICES L.L.C.,

Defendants.

Civil Action No. 13-CV-06802-WHP

**DEFENDANTS' PROPOSED VOIR DIRE**

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP  
2001 K Street, N.W.  
Washington, DC 20006-1047  
Tel: (202) 223-7300  
Fax: (202) 223-7420

1285 Avenue of the Americas  
New York, NY 10019-6064  
Tel: (212) 373-3000  
Fax: (212) 757-3990

*Counsel for Defendants*

Defendants respectfully submit the following proposed voir dire questions for the Court's use during in-court jury selection:

**A. Knowledge of Parties, Counsel, Witnesses, and Subject Matter**

1. The plaintiffs in this case are the Dial Corporation, Henkel Consumer Goods, Inc., Kraft Heinz Foods Company, H.J. Heinz Company, Foster Poultry Farms, Smithfield Foods, HP Hood, and BEF Foods. Setting aside employment and investment, which we covered in the questionnaire, do you or any member of your household have any connection to those companies? If so, describe that connection.
2. The defendants in this case are News Corporation, News America, Inc., News America Marketing FSI L.L.C., and News America Marketing In-Store Services L.L.C. Setting aside employment and investment, which we covered in the questionnaire, do you or any member of your household have any connection to those companies? If so, describe that connection.
3. The plaintiffs are represented in this case by the law firms Kramer Levin Naftalis & Frankel LLP; McKool Smith, P.C.; Kellogg, Huber, Hansen, Todd, Evan & Figel, P.L.L.C.; Susman Godfrey LLP; and Berry Law PLLC. The trial will be conducted by Daniel B. Goldman, Dani R. James, Steven S. Sparling, Lewis T. LeClair, John Briody, Steven F. Benz, James T. Southwick, Richard W. Hess, and R. Stephen Berry. Do you know those law firms or any of the individual attorneys representing the plaintiffs? If so, please explain how.
4. The defendants are represented in this case by the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP. The trial will be conducted by Kenneth Gallo, William Michael, Jane O'Brien, Geoffrey Chepiga, Justin Anderson, Mitchell Webber, Jeffrey J. Recher, Laura Sedlak, and Brette Tannenbaum. Do you know that law firm or any of the individual attorneys representing the defendants? If so, please explain how.
5. Do you know any of the following individuals who may provide testimony in this case:

Jesse Aversano

David Biery

Karl Ball

Christopher Blanco

Christina Bedell

David Brotherton

Larry Berg

Wayne Campanelli

Joseph Bevilacqua

Dr. Dennis Carlton

Paul Carlucci	Debra Lucidi-Chammas
Jennifer Corsiglia-Keim	Dr. Jeffrey K. Mackie-Mason
Thomas Dittrich	Patrick Maguire
Dr. Sanjay Dhar	Michael Merritt
Katy Dickson	Christopher Mixson
Mark Dietz	Theodore Muir
Daniel Dmochowski	Dr. Kevin Murphy
Robert Emmel	Marty Ordman
Dr. Paul W. Farris	West Naze
Marion Findlay	Nancy Perkins
Martin Garofalo	George Rebh
Melissa Gilreath	Christopher Ross
Charles Gitkin	Scott Simcox
Dominic Hansa	Mark Schulman
Dr. Jerry Hausman	Robert Spitz
Gary Henderson	William Toler
Henry Hendrix	Erin Turley
Andrea Jeannet	Alan Verdun
John Kelly	Wendy Warus
Patrick Kroc	Karen Welch

6. Do you know any of the following individuals who will be discussed during this trial:

[parties to provide list]

7. Before today, have you read, seen, or heard anything about this lawsuit? What have you read, seen, or heard?

8. This case involves product promotions and marketing, including promotions inside stores. Aside from the common experience of being a shopper in those stores and seeing product promotions, do you have any personal experience in the provision of product promotions or with marketing or advertising more broadly? If so, please describe.
9. This case also involves manufacturers of consumer packaged goods and the retailers that sell those goods. Aside from the common experience of purchasing such products from retailers, do you have any personal experience with consumer packaged goods or retailers, including prior employment at companies in either line of business? If so, please describe.

**B. Juror's Background and Prior Experiences**

1. Please state your name, age, county of residence, and length of residency in that county.
2. Do you live alone? If you don't, who are the other members of your household?
3. How far did you go in school? If you have an advanced degree, what is the field?
4. Are you currently employed? Where are you employed? For how long? Have you ever been self-employed?
5. Are any of the other members of your household employed? What do they do?
6. Have you ever served on a jury before? Was it in state court or federal court? Criminal or civil? Did that jury reach a verdict? Were you the foreperson?
7. Have you or a member of your household ever been involved in a lawsuit? If so, please describe the nature of the suit, your role, and the outcome. Does anything about that experience affect your ability to be fair and impartial in this case?
8. Do you have any experience or special training in the fields of economics or law? If so, please describe.
9. Do you have any experience with a business situation where you believed that a company competed unfairly with its competitors? If so, please describe.
10. What newspapers do you read? What television stations do you watch to get the news? Do you get news from any other source?

11. What organizations, volunteer groups, or social clubs do you actively participate in? What boards, if any, do you serve on?
12. What do you like to do in your spare time?

**C. Juror's Capacity to Serve**

1. Do you have any difficulty with your eyesight or hearing or any other medical issue that would interfere with you serving on the jury? If so, please describe.
2. If you are selected as juror, you will have to follow the law as I describe it to you, even if you disagree with what I say. Will you have any difficulty setting aside your own views about what the law should be and accepting my instructions on what the law is?
3. Aside from the questions I have asked you, is there anything you can think the Court or the parties should know about you that might be relevant to your service on this jury?

Defendants respectfully request that the Court use the foregoing proposed voir dire questions during in-court jury selection.

Dated: February 23, 2016

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON, LLP

By: /s/ Kenneth A. Gallo

Kenneth A. Gallo (kgallo@paulweiss.com)

Jane B. O'Brien (jobrien@paulweiss.com)

2001 K Street, NW

Washington, D.C. 20006-1047

(202) 223-7300

Fax: (202) 223-7420

William B. Michael (wmichael@paulweiss.com)

Geoffrey R. Chepiga (gchepiga@paulweiss.com)

1285 Avenue of the Americas

New York, NY 10019-6064

(212) 373-3000

Fax: (212) 757-3990

*Counsel for Defendants*